IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1411 OF 2005

Gopal Ganpati Patil ..Appellant

versus

Smt. Parvati Ganpat Patil
& Others ..Respondent.

Mr.S.M.Kamble for the Appellant
Mr.Pratap Patil for the Respondent No.2

Coram : S.R.Sathe, J.
Dated : 21st Feb., 2006

P.C.
1. Heard both the learned Advocates.

2. Admittedly, the defendants had not filed written statement in the matter. The plaintiff examined herself, but she has not been cross examined. The learned Advocate for the respondent submitted that under the circumstances having regard to the fact that the dispute is with regard to share of the parties in the family property, he submitted that the order be set aside and matter be remanded and opportunity be given to the defendant to file written statement. The learned advocate submitted that as per the instructions received he has no objection to remand the matter. However, time bound programme be given for disposal of the matter.

3. Hence the appeal is allowed. The order

passed by the trial Court on 30.10.2001 is set aside. The matter is remanded back with directions to the trial Court to permit the defendant to file written statement within period of four weeks from the receipt of the order by the said court.

4. The trial court to dispose of the suit according to law within further period of six months.

5. As submitted by the learned Advocate for the respondents the cost if deposited, it be allowed to be withdrawn by the respondent.

6. Appeal is disposed of accordingly.

(S.R.Sathe, J.)